

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM INC., *et al.*,

Plaintiffs,

v.

ACKARY, *et al.*,

Defendants.

Case No. C21-1512-TL-MLP

ORDER

On November 9, 2021, Plaintiffs Amazon.com Inc. and Weber-Stephen Products LLC (“Weber”) filed suit against individuals and entities responsible for twelve Amazon Seller Accounts that advertised and sold imitations of Weber trademarked grill covers. (Dkt. # 1.) Weber alleges claims of trademark infringement, while both Weber and Amazon.com Inc. allege claims of false designation of origin and false advertising and violation of the Washington Consumer Protection Act. (*Id.* at 21-26, ¶¶ 77-104.) On May 18, 2022, Amazon.com Inc., Amazon.com Services LLC, (together, “Amazon”) and Weber (collectively, “Plaintiffs”) filed three more suits against individuals and entities responsible for three Amazon Seller Accounts, alleging the same claims in addition to a breach of contract claim by Amazon in two of the actions. *See Amazon.com Inc et al v. PDream et al.*, Case No. C22-674-TL (W.D. Wash.), dkt.

1 # 1; *Amazon.com Inc et al v. Mustudy et al.*, Case No. C22-675-TL (W.D. Wash.), dkt. # 1;
2 *Amazon.com Inc et al v. STW Hardware et al.*, Case No. C22-676 (W.D. Wash.), dkt. # 1.

3 The Honorable Tana Lin granted Plaintiffs' *ex parte* motions to consolidate the three
4 later-filed actions with the above-captioned lead case, and for expedited third-party discovery to
5 identify defendants. (Dkt. ## 8, 12, 18.) On March 16, 2023, Judge Lin referred "all issues
6 related to service of Defendants" to the undersigned pursuant to General Order 03-23 (Mar. 7,
7 2023). (Dkt. # 19.) The undersigned directed Plaintiffs to file a status report by March 20, 2023.
8 (Dkt. # 20.)

9 In their Status Report, Plaintiffs state that third-party discovery revealed the identities of
10 two individuals, located in China, who "were responsible for two bank accounts that received
11 proceeds from" two of the Amazon Seller Accounts in the lead case. (Dkt. # 21 at 3.) Plaintiffs
12 intend to amend their complaint in the lead case to name these individuals. (*Id.*) Further third-
13 party discovery revealed two more individuals, also located in China, "who were accountholders
14 for the two common bank accounts that received proceeds from" the Amazon Seller Accounts in
15 the three related cases. (*Id.* at 4-5.) Plaintiffs intend to file a consolidated amended complaint in
16 the related cases naming the identified individuals and alleging they worked in concert. (*Id.* at 4.)
17 "Plaintiffs request permission to submit a further status report in 90 days by which time they
18 expect they will have: (1) filed the amended complaints; and (2) completed service or moved for
19 alternative service on Defendants." (*Id.* at 6.)

20 According to Plaintiffs' Status Report, some or all defendants may be located abroad.
21 Although the 90-day time limit for service in Fed. R. Civ. P. 4(m) "does not apply to service in a
22 foreign country[.]" the rule "does not preclude the court from 'setting a reasonable time limit for
23 service in a foreign country to properly manage a civil case.'" *Inst. of Cetacean Research v. Sea*

1 *Shepherd Conservation Soc’y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015) (quoting *Baja*
2 *Devs. LLC v. TSD Loreto Partners*, 2009 WL 2762050, at *1 (D. Ariz. Aug. 26, 2009)).

3 The Court concludes additional time is warranted. However, Plaintiffs should not expect
4 unlimited extensions if service does not prove to be feasible. Accordingly, the Court DIRECTS
5 Plaintiffs to, within **ninety (90) days** of the date this Order is signed, file amended complaints
6 and serve defendants or move for alternative service. If Plaintiffs are unable to do so, the Court
7 ORDERS Plaintiffs to show cause why this case should not be dismissed for failure to prosecute.

8 Dated this 28th day of March, 2023.

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10 MICHELLE L. PETERSON
11 United States Magistrate Judge
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